



MONTANA STATE PUBLIC DEFENDER

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Office of State Public Defender

Legislative Concepts

2025 Legislative Session

1. OPD seeks clarification that the process outlined in MCA 37-61-403 does not apply to assignments or reassignments of public defenders made under Title 47, the Montana Public Defender Act.
2. OPD seeks to reconcile their statutory ability to accept appointments and assignments from a court in two types of matters
 - a. for a parent in a proceeding to involuntarily terminate that parent's parental rights pursuant to 42-2-607
 - b. treatment court matters, allowing a court to order assignment of a public defender to serve as a member of a treatment court team established pursuant to 46-1-1104 or 46-1-1204
3. OPD seeks a statutory default that OPD assigned attorneys appearing in a non-substantive hearing may appear remotely unless the court has made a finding that good cause exists to require the attorney's personal appearance. This is substantively similar to SB 187 from the 2023 session.
4. OPD seeks to improve attorney-client communication for incarcerated clients by ensuring that clients are provided with unrecorded, unmonitored telephone or two-way audio/video calls with their attorney free-of-charge, whether the client is incarcerated in a county detention center or a state DOC facility.
5. OPD seeks to create the power and obligation withing the Office of Court Administrator to develop and implement a predictable, consistent, streamlined process for state employees to request and be provided with access to the judicial branch's case management system.
6. OPD seeks to clean-up Title 47 by normalizing duties across client service divisions, updating agency structure in statute, removing references to specific, named FTE positions, among other small changes. This legislative concept does not contain any substantive modification of OPD's obligations or duties.